

SENATE BILL REPORT

SB 5214

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, February 22, 2007

Title: An act relating to specialized forest products.

Brief Description: Concerning specialized forest products.

Sponsors: Senator Jacobsen.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 2/08/07, 2/22/07 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 5214 be substituted therefor, and the substitute bill do pass.

Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Poulsen, Spanel, Stevens and Swecker.

Staff: Curt Gavigan (786-7437)

Background: Chapter 76.48 RCW sets out a series of requirements for the harvest, possession, and transportation of specified amounts of forest materials. Those materials, known as specialized forest products (products), include:

- certain wood products, including cedar;
- more than five pounds of cut or picked evergreen foliage;
- more than five pounds of Cascara bark; or
- more than five pounds of a single species of wild edible mushroom.

A person must obtain a specialized forest products permit (permit), validated by the county sheriff, prior to harvesting covered products. Subsequent to harvest, a person may not possess or transport such products without either a permit, a written authorization, a sales invoice, or a bill of lading evidencing the person's authority to possess or transport the materials.

A violation of the specialized forest product statutes is generally punishable by no more than one year in the county jail or a fine of not more than \$1,000, or both.

A law enforcement officer may seize and take possession of specialized forest products, upon making an arrest, when the officer has probable cause to believe that a person is harvesting, possessing, or transporting materials illegally. Upon disposition of a case, the court must attempt to return the materials or the proceeds of their sale to the rightful owner.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The bill adds huckleberries to the list of forest materials covered under the specialized forest products statutes.

A person must obtain a specialized forest products permit (permit) before harvesting more than three United States gallons of huckleberries in the state. Additionally, when possessing or transporting more than three gallons of huckleberries, a person must have in their possession a permit, written authorization, sales invoice, or bill of lading evidencing their authority to possess or transport the property.

Upon disposition of a case, courts must provide huckleberries that were seized by law enforcement to a federally recognized tribe if the berries were taken from the ceded area of that tribe. The court must provide the huckleberries to the tribe without charge for ceremonial, educational, or religious use.

Persons may not harvest huckleberries using a rake, mechanical device, or other method that damages the huckleberry bush.

The term "huckleberry" is defined by reference to the Latin names for 12 species of the genus *Vaccinium*.

Huckleberry foliage is specified as one example of "cut or picked evergreen foliage," which is also considered a specialized forest product.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Natural Resources, Ocean & Recreation): Language is added to specify that a person does not need a written authorization, sales invoice, bill of lading, or specialized forest products permit or true copy thereof to store, at that person's residence or property, ten or fewer gallons of huckleberries for noncommercial use.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Huckleberries are part of religious traditions for the Yakama and other tribes. The amount of land appropriate for huckleberry growing is diminishing, while recreational and commercial demand is rising. Commercial practices are also damaging berries. This bill will help ensure that this resource is protected.

Persons Testifying: PRO: David Powell, Stella Washines, Johnny Smartlowit, Dawn Vyvyan, Yakama Nation.